IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 333 OF 2006
WITH
CIVIL APPLICATION NO. 608 OF 2006

Shri Pandurang Shankar Shinde ..Appellant

versus

Shri Baban Rangarao Patil ..Respondent

Mr. Manoj Kadam i/b. Mr. Pratap Patil for Appellant.

CORAM : D.B. BHOSALE, J.
DATE : 18TH JULY, 2007.

P.C.

1. Heard learned counsel for Appellant.

2. This Second Appeal by original Plaintiff challenges concurrent findings of the facts recorded by the Courts below dismissing a suit for perpetual and mandatory injunction. It appears that the Plaintiff and the Defendant together had purchased a suit property by Registered Sale Deed on 9.8.1985 and they have been in possession and enjoyment thereof since then. The plaintiff claims that there

was oral partition and in view thereof he is in exclusive possession of the northern portion of the suit property. This case set up by the Plaintiff has been rejected by both the Courts below. The Courts below after having considered the evidence on record, have held that the suit property is a common property of both, the Appellant and the Defendant, and that both have lawful title to the extent of one and half share each in the suit property.

3. Considering the findings of fact recorded by the Courts below and as I find sufficient material on record to sustain those findings and considering that there is no substantial question of law either raised or involved, this Appeal deserves to be dismissed and is dismissed, as such.

4. Consequently, Civil Application also stands disposed of.

(D. B. BHOSALE, J.)